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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,197	12/19/2001	Jurgen Ehret	2000P80216 US	6404

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EXAMINER

HO, THOMAS Y

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,197

Applicant(s)

EHRET ET AL.

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-13,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-13,17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 10-13 and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakajima USPN6168216.

As to claim 10, Nakajima discloses:

- A door lock 7 for motor vehicles having a rotary latch 16 and a closing aid 8 which acts on the latter and, with aid of a drive 81, carries along a door to be closed over a last section into closed position.
- The drive of the closing aid is separated structurally from the door lock and a flexible drive element 10 is provided for transmitting force from the drive to the rotary latch.
- The flexible drive element undergoes a change in direction with the aid of at least one deflection roller 84.
- The deflection roller is moveable from its normal position into an auxiliary opening position shortening the path of the drive element (col.8, ln.31-48; col.9, ln.20-34).
- The deflection roller is rotatably mounted on a toggle lever 80/87 which is foldable in by actuation of an auxiliary opening device 96. The toggle lever 80/87 can be

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actuated and freed from the recess 89 in the gear member 79, to “fold in” a counterclockwise direction (fig.14).

As to claim 11, Nakajima discloses:

- The rotary latch 16 is moveable into its closed position counter to force of a restoring spring 20 by the flexible drive element 10 in the form of a tension element.

As to claim 12, Nakajima discloses:

- The drive 81 drives a cable winch 79/84 or a cable eccentric onto which the drive element 10 is windable 85.

As to claim 13, Nakajima discloses:

- The flexible drive element 10 is a metal cable.

As to claim 17, Nakajima discloses:

- The drive element 10 is kept under stress in all operating states by at least one prestressing spring 61. (col.8, ln.45-48).

As to claim 18, Nakajima discloses:

- At least a restoring spring 20 of the rotary latch 16 and/or a restoring spring 61 of a driving lever 58 acting on said rotary latch 16 ensures that the drive element 10 is prestressed.

Response to Arguments

Applicant's arguments filed 5/8/03 have been fully considered but they are not persuasive.

In response to applicant's arguments that the deflection roller 84 of Nakajima USPN6168216 is rotatably attached to the support shaft 80, and thus is not arranged on or

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rotatably mounted to the toggle lever 87 as in the present claimed invention, the examiner disagrees. The deflection roller 84 of Nakajima is clearly "arranged on" the end of the toggle lever 87 having the pin 88. Applicant has amended independent claim 10 to now recite that the deflection roller 84 must now be "rotatably mounted" on the toggle lever. The examiner concedes that the deflection roller 84 of Nakajima is not rotatably mounted on the toggle lever 87 at pin 88 and slot 90. However, as recited by applicant, the deflection roller 84 is rotatably mounted on a support shaft 80. Applicant is now directed to the fact that the support shaft 80 is inserted into the toggle lever 87 through slot 86 on the toggle lever (col.8, ln.30-35). Because the shaft 80 is mounted to the toggle lever 87, the toggle lever can be considered to comprise of both lever 87 and shaft 80. Therefore, because the deflection roller is rotatably mounted on the shaft 80, it is also rotatably mounted to a part 80 of the toggle lever 80/87.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

TYH
June 28, 2003


ROBERT J. SANDY
PRIMARY EXAMINER